

Exhibit "E"

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THOMAS F. CASEY III

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COUNTY OF SAN MATEO

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March 14, 2007

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Via E-Mail (kwhite@peninsulahumanesociety.org) and U.S. Mail

Ken White, President
Peninsula Humane Society & SPCA
12 Airport Blvd
San Mateo, CA 94401

Re: *Tender Pursuant to Agreement of: Doukas v. County of San Mateo, CIV 461009*
and Wherry v. County of San Mateo, CIV 461010

Dear Mr. White:

I write to follow up on my conversation yesterday with your attorney Amy Briggs. During that call this Office informed Ms. Briggs of our intent to tender the above-captioned cases to PHS for both defense and indemnification. She asked that we put the request in writing.

Accordingly, the County hereby formally tenders to PHS for both defense and indemnification *Doukas v. County of San Mateo, et al.*, CIV 461009 and *Wherry v. County of San Mateo, et al.*, Civ. 461010 pursuant to Section D. GENERAL PROVISIONS, subsection 3 Hold Harmless and Indemnification of our Animal Control Services and Shelter Services Agreement. I have attached copies of the *Wherry* complaint and the amended *Doukas* complaint for your reference. The *Wherry* and original *Doukas* complaints were both served on February 22, 2007. The amended *Doukas* complaint was served on March 13, 2007.

This Office had begun researching a demurrer with respect to the County and would be happy to share that research with your counsel and provide additional assistance where appropriate. We would also ask that you keep this Office current with respect to all material case developments, including but not limited to whether your insurance carrier will be appointing independent counsel for the County. As to both, please have your counsel contact the undersigned at their convenience.

PHS-261

Ken White, President
March 14, 2007
Page 2

If you have any questions or concerns regarding this letter, please let me know as soon as possible.

Very truly yours,

THOMAS F. CASEY III, COUNTY COUNSEL

By: 
David A. Silberman, Deputy

TFC:DAS/cc

cc: Amy Briggs (via abriggs@steefel.com)

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